

SENATE BILL 362

By Cooper

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 50 and Title 68, Chapter 30, relative to driver licenses and anatomical gifts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-50-352, is amended by deleting the section in its entirety and substituting instead the following:

(a) The department shall provide with each driver license application and application for renewal a statement whereby the holder of such license must certify such person's willingness or unwillingness to make an anatomical gift under § 68-30-105(f). Before a driver license may be initially issued or renewed, the applicant for such license must make a decision as to organ donation and certify such decision on the statement provided. A decision concerning anatomical gifts must be made each time a driver license is renewed.

(b) The department shall provide to each licensee who certifies a willingness to make an anatomical gift a statement to include the licensee's blood group and RH factor.

(c)

(1) If at the time of application for an original license or renewal license, the applicant certifies a willingness to make an anatomical gift, the department shall superimpose a "Y" over the anatomical gift statement on the reverse side of such applicant's license and the applicant shall check the appropriate boxes as to the type of anatomical gift made.

(2) If at the time of application for an original license or renewal, the applicant certifies an unwillingness to make an anatomical gift, the department shall superimpose an "N" over the anatomical gift statement on the reverse side of such applicant's license.

SECTION 2. Tennessee Code Annotated, Section 68-30-105, is amended by deleting subsection (f) and substituting instead the following:

(f) A gift of all or part of the body under § 68-30-103(a) may also be made by a statement provided with each application for a Tennessee driver license and each application for renewal of a Tennessee driver license as provided in § 55-50-352. The gift becomes effective upon the death of the donor. The statement must be signed by the holder of the driver license prior to issuance of the license or license renewal for the statement to be valid. Delivery of the license during the donor's lifetime is not necessary to make the gift valid. If the holder of the driver license has signed a statement indicating a willingness to make an anatomical gift, there will be a "Y" superimposed on the reverse side of such holder's license. If the holder of the driver license has signed a statement indicating an unwillingness to make an anatomical gift, there will be an "N" superimposed on the reverse side of such holder's license. The gift shall become invalidated upon expiration, cancellation, revocation, or suspension of the license, and the gift must be renewed upon renewal of each license. Any hospital, hospital personnel, physician, surgeon, undertaker, law enforcement officer, or other person may rely upon the "Y" or "N" on the reverse side of the holder's driver license as legal indication that the

holder of such license did or did not sign a certified statement relative to anatomical gifts, that such signed statement resulting in the "Y" or "N" on the license is a properly executed legal document, and shall be immune from civil or criminal liability when acting in good faith upon the anatomical gift made pursuant thereto.

SECTION 3. For purposes of the department of safety implementing the provisions of this act, it shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, it shall take effect on July 1, 2001 and shall apply to any application for a driver license or renewal of a driver license completed on or after such date.